

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: StaceyAnn McFarlane-Ross	Team: Squad #1	CCRB Case #: 201804771	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/13/2018 , Thursday, 06/14/2018 4:45 PM	Location of Incident: In front of 1360 Lyman Place	Precinct: 42	18 Mo. SOL 12/14/2019	EO SOL 12/14/2019	
Date/Time CV Reported Thu, 06/14/2018 6:36 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 06/14/2018 6:36 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Michael Bletcher	3912	929740	PSA 7
2. POM Yahkeem White	11719	948604	PSA 7
3. POM Christophe Medina	02088	952000	PSA 7

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Juan Candelario	06688	948739	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Bletcher	Abuse: Sergeant Michael Bletcher questioned § 87(2)(b)	
B.POM Yahkeem White	Abuse: Police Officer Yahkeem White questioned § 87(2)(b)	
C.SGT Michael Bletcher	Discourtesy: Sergeant Michael Bletcher spoke discourteously to an individual.	
D.POM Christophe Medina	Abuse: Police Officer Christopher Medina threatened § 87(2)(b) with the use of force.	
§ 87(2)(g), § 87(4-b)		

### Case Summary

On June 14, 2018, § 87(2)(b) filed this complaint with the CCRB via the online website. On the same day, she filed a duplicate complaint via telephone with the NYPD Internal Affairs Bureau, generating log number 2018-23714.

On June 14, 2018, at approximately 4:45 p.m., § 87(2)(b) parked her car in front of 1360 Lyman Place in the Bronx. As she took her children from her car, she was approached by Sgt. Michael Bletcher, PO Yahkeem White, PO Juan Candelario and PO Christopher Medina, from PSA7. § 87(2)(b) was informed by Sgt. Bletcher and PO White that her license plate appeared to be fraudulent. Sgt. Bletcher and PO White asked § 87(2)(b) for her driver's license and the bill of sale for her car and she cooperated (**Allegation A and B: Abuse of Authority**,

§ 87(2)(g)) A crowd of approximately 15 individuals were present.

Sgt. Bletcher, PO White, PO Medina and PO Candelario approached the crowd and instructed them to leave. Sgt. Bletcher called one of the individuals a "fat fuck" and stated, "You fat motherfucker, Why are you recording me?" and told him, "At least I got a job, you ain't got shit." (**Allegation C: Discourtesy**, § 87(2)(g)) After a few minutes, the crowd and the officers all left the area.

§ 87(2)(b) called 911 and requested a uniformed supervisor to the location. Sgt. Alexander Velasquez, from the 42<sup>nd</sup> Precinct, Sgt. Bletcher and PO White responded to the location. Sgt. Bletcher explained to § 87(2)(b) and to Sgt. Velasquez the reason they interacted with her. After that, everyone left. As PO Medina drove away in his car, he made a gun motion with his fingers (**Allegation D: Abuse of Authority**, § 87(2)(g))

During the course of the investigation, video footage recorded on § 87(2)(b)'s friend, § 87(2)(b)'s cell phone was obtained, which captured the incident in its entirety (Board Review 22-25).

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Sergeant Michael Bletcher questioned § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Yahkeem White questioned § 87(2)(b)**

§ 87(2)(b) (Board Review 01, 02, 03) testified that after she parked her car in front of her home and as she took her children from the car, she was approached by Sgt. Bletcher, PO White, PO Candelario and PO Medina. PO White informed § 87(2)(b) that she was stopped because of her license plate and asked her for the bill of sale for the car and her driver's license as her license plate was fake. § 87(2)(b) handed the documents to Sgt. Bletcher who asked her where the car was purchased and from whom. At the same time, § 87(2)(b)'s friend, § 87(2)(b) began recording the incident. A few minutes later, § 87(2)(b) asked if she was detained or free to go, and Sgt. Bletcher immediately handed § 87(2)(b) back her documents and walked away.

§ 87(2)(b) (Board Review 04) testified that as the officers approached § 87(2)(b) he immediately recorded the incident. § 87(2)(b) stood approximately four feet away from § 87(2)(b)

§ 87(2)(b) His testimony was consistent with § 87(2)(b) s with regards to the reasons the officers gave for stopping her and questions asked

Sgt. Bletcher (Board Review 05) testified that as he drove past § 87(2)(b) he observed a temporary Texas license plate on her car and decided to stop the car. Sgt. Bletcher and PO White approached § 87(2)(b). He asked § 87(2)(b) about her license plate and informed her that her plates may have been fraudulently purchased from Texas. He then asked her for her driver's license and documentation for the car. Sgt. Bletcher only glanced at the documentation she handed to him and returned it quickly after § 87(2)(b) asked him if she was detained.

PO White (Board Review 06) testified that he observed § 87(2)(b) with a "One-trip Texas license plate." They stopped her because the Bronx District Attorney's office was investigating Texas one-trip temporary plates which are illegal in New York. PO White asked for her driver's license and the bill of sale. § 87(2)(b) was informed that she was not detained and her documents were returned to her. At the conclusion of his interaction with § 87(2)(b) PO White took a photograph of § 87(2)(b)'s one-trip Texas license plate (Board Review 26).

PO Candelario and PO Medina (Board Review 07, 08) were in a second police car following behind Sgt. Bletcher and PO White. Their testimony was consistent with Sgt. Bletcher's and PO White's.

On October 29, 2018, Chief William Zelenka (Board Review 16) from the Economics Crime Bureau at the Bronx District Attorney's office, was reached. He confirmed that there is an investigation regarding fraudulent temporary Texas license plates. The Texas Department of Motor Vehicles and the New York Department of Motor Vehicle are in communication regarding the issue as one-trip Texas license plates are easily accessible and can be printed on plain paper. The NYPD currently conducts the investigations of the temporary permit plates and if found to be fraudulent, his office will prosecute.

Per *People v. DeBour*, 40 N.Y.2d 210, 224 (1976), officers need founded suspicion that criminal activity is afoot to ask and gain explanatory information (Board Review 27).

§ 87(2)(b), § 87(2)(g)  
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**Allegation (C) Discourtesy: Sergeant Michael Bletcher spoke discourteously to an individual.**

§ 87(2)(b) testified that an unidentified individual was recording the incident. She heard Sgt. Bletcher say to the individual, "You fat motherfucker. Why are you recording me?" The individual responded, "Well you're fat too" and Sgt. Bletcher stated, "Well at least I got a job, you ain't got shit."

§ 87(2)(b) testified that he stood approximately 50 feet from Sgt. Bletcher and the individual, whom he identified by the nickname § 87(2)(b). He heard Sgt. Bletcher call § 87(2)(b) a “fat fuck”. § 87(2)(b) stated the comment was caught on his recording.

Sgt. Bletcher testified that he asked the crowd that formed to leave and they became hostile. He stated that the crowd asked the officers why they stopped § 87(2)(b) and why they had to leave the block. Sgt. Bletcher continued to instruct the crowd to leave, however, not everyone left the area. Sgt. Bletcher stated he did not say any of the following statements to the individual, “You fat motherfucker, why are you recording me?” At least I got a job. You ain’t got shit”, or call the individual a “fat fuck.” Sgt. Bletcher explained he was professional and did not use any profanity.

PO White, PO Candelario and PO Medina’s testimonies were all consistent in the fact that they did not hear Sgt. Bletcher make the aforementioned statements or use any form of profanity towards anyone.

Although the investigation obtained video footage from § 87(2)(b) (Board Review 19), it does not capture the entire interaction between Sgt. Bletcher and the individual. However, the video shows Sgt. Bletcher, PO White, PO Candelario and PO Medina speaking with several individuals. An individual is heard saying to Sgt. Bletcher, “You fat too. You fat too. You’re tight that you can’t do shit” as Sgt. Bletcher is speaking with § 87(2)(b). Sgt. Bletcher is not heard responding to the individual.



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It is undisputed that Sgt. Bletcher spoke to an individual. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (D) Abuse of Authority: Police Officer Christopher Medina threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) testified that as PO Medina drove away, he made a hand gesture in the form of a gun and pointed it towards § 87(2)(b) and stated, “Well you live here, I don’t. Good luck with that.”

§ 87(2)(b)’s testimony was consistent with § 87(2)(b) with the following exception. § 87(2)(b) observed PO White enter the front passenger seat, instead of the driver’s seat before he made the hand gesture.

PO Medina testified as he and PO Candelario drove away from the location, PO Medina stated to § 87(2)(b) “You live here, I don’t.” He explained that statement was made because § 87(2)(b) lives in a high crime area and he was there to help the community. PO Medina did not use a gun hand gesture towards her as he made the statement. He did not move his hand around or observe PO Candelario move his hand around at the same time the statement was made.

PO Candelario testified he did not use a gun hand gesture towards § 87(2)(b) and he did not witness PO Medina make the gun hand gesture.

PO White testified that he did not make the gun motioned hand gesture towards § 87(2)(b) s video footage (Board Review 17, 18) was shown in which PO White identified himself in a black shirt entering the first car on the passenger side and Sgt. Bletcher in a white shirt on the driver’s side. Sgt. Bletcher tells § 87(2)(b) “Have a good night; enjoy the rest of your day.”



201804771\_20181101\_1311\_DM.mp4

A few minutes later, the statement, “You live here, I don’t” is made from the second police car, which PO White identified as PO Candelario’s and PO Medina’s car. The video shows some hand movement, but does not clearly show any gun shaped hand gestures. The video is taken at a significant distance and the motions of the officers inside the car are difficult to discern.



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Sgt. Bletcher testified that he did not hear PO White make the above-mentioned statement and he did not see PO White use a gun motioned hand gesture towards § 87(2)(b)

§ 87(2)(b), § 87(2)(g)  
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§ 87(2)(b), § 87(2)(g).

§ 87(2)(g), § 87(4-b)  
§ 87(2)(g), § 87(4-b)  
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§ 87(2)(g), § 87(4-b)

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
  - [REDACTED]
- Sgt. Bletcher has been a member of service for 16 years and has been a subject in six CCRB complaints and 12 allegations, of which two were substantiated:
  - 201608992 involved substantiated allegations of a stop and a refusal to provide name and shield number against Sgt. Bletcher. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
  - § 87(2)(g) [REDACTED]  
[REDACTED]
- PO Medina has been a member of service for six years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g) [REDACTED]  
[REDACTED]
- PO White has been a member of service for eight years and has been a subject in seven CCRB complaints and 16 allegations, of which three were substantiated:
  - 201207175 involved substantiated allegations of a stop and a frisk against PO White. The Board recommended charges and the NYPD did not impose any discipline for the stop allegation. The NYPD imposed a reprimand for the frisk allegation.
  - 201606290 involved a stop allegation against PO White. The Board recommended Formalized Training and the NYPD imposed Formalized Training.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (Board Review 15).
- § 87(2)(b) [REDACTED] filed a Notice of Claim with the City of New York claiming assault, damages for pain and suffering and punitive damages as redress (Board Review 10). There is no 50H hearing scheduled.

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Squad No.:   1

Investigator:	_____	<u>Inv. McFarlane-Ross</u>	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date